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STATUTORY INSTRUMENTS

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**2010 No. 21**

**TRIBUNALS AND INQUIRIES**

**The Transfer of Functions of the Asylum  
and Immigration Tribunal Order 2010**

*Made* - - - - - *6th January 2010*

*Coming into force* *15th February 2010*

**THE TRANSFER OF FUNCTIONS OF THE ASYLUM  
AND IMMIGRATION TRIBUNAL ORDER 2010**

1. Citation and commencement
  2. Transfer of functions and abolition of tribunal
  3. Transfer of persons into the First-tier Tribunal and the Upper Tribunal
  4. Transfer of Rules
  5. Consequential and transitional provisions
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SCHEDULE 1 — Consequential provisions – primary legislation

1. Immigration Act 1971
2. In paragraphs 22(1A), (2), and (3), 23(1) and (2), 24(2)(a)...
3. For paragraph 25 substitute— Tribunal Procedure Rules may make provision with respect to applications...
4. House of Commons Disqualification Act 1975
5. Northern Ireland Assembly Disqualification Act 1975
6. Race Relations Act 1976
7. British Nationality Act 1981
8. Courts and Legal Services Act 1990
9. Tribunals and Inquiries Act 1992
10. Judicial Pensions and Retirement Act 1993
11. Omit section 26(12A)(g) (retirement date for holders of certain judicial...
12. In Part 2 of Schedule 1 (other offices whose holders...
13. In Schedule 5 (retirement provisions: the relevant offices) omit the...
14. Special Immigration Appeals Commission Act 1997
15. In section 5(2A) (procedure in relation to jurisdiction under sections...
16. In paragraph 5(b) of Schedule 1 (proceedings) for “a legally...

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

17. In paragraphs 1(3)(a) and (b) and (4)(a) and (b) and...
18. Access to Justice Act 1999
19. Immigration and Asylum Act 1999
20. Nationality, Immigration and Asylum Act 2002
21. In section 72 (serious criminal) after subsection (10) insert—
22. For section 81 (the Asylum and Immigration Tribunal) substitute—  
Meaning...
23. In section 85A (matters to be considered: new evidence: exceptions)...
24. In section 87 (successful appeal: direction)— (a) for subsection (3)...
25. Omit sections 103A to 103E (procedure).
26. In section 104 (pending appeal)— (a) for subsection (2) substitute—...
27. In section 106 (rules)— (a) omit subsections (1), (1A) and...
28. In section 107 (practice directions)— (a) omit subsections (1), (1A)...
29. In section 112 (regulations, &c.)— (a) in subsection (2) omit...
30. Omit Schedule 4 (the Asylum and Immigration Tribunal).
31. Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
32. In section 8 (claimant's credibility)— (a) in subsection (7), in...
33. In section 36 (electronic monitoring)— (a) in subsection (1)(d)(ii) for...
34. Constitutional Reform Act 2005
35. Immigration, Asylum and Nationality Act 2006
36. Tribunals, Courts and Enforcement Act 2007
37. In section 2(4) (Senior President of Tribunals)—
38. In section 4(1) (judges and other members of the First-tier...
39. In section 5 (judges and other members of the Upper...
40. In section 39(1) (the general duty)— (a) at the end...
41. Omit section 42(1)(c) (fees).
42. In section 43(3) (report by Senior President of Tribunals)—
43. In section 47(5)(c) (co-operation in relation to judicial training, guidance...
44. Omit paragraph 12(1)(b) and (2)(c) of Schedule 1 (meaning of...
45. In Schedule 2 (judges and other members of the First-tier...
46. In Schedule 3 (judges and other members of the Upper...
47. In Schedule 4 (Chambers and Chamber Presidents: further provision)—

#### SCHEDULE 2 — Consequential provisions – secondary legislation

1. Detention Centre Rules 2001
2. Asylum and Immigration Tribunal (Procedure) Rules 2005
3. In rule 2 (interpretation)— (a) after the definition of “the...
4. For rule 3 (scope of these Rules) substitute— Scope of...
5. In rule 8(1) (form and contents of notice of appeal)...
6. For rule 23(5)(a)(i) (special procedures and time limits in asylum...
7. After rule 23 insert— No power to award costs The Tribunal may not make  
any order in respect of...
8. For Part 3 substitute — PART3 Appeals to the Upper...
9. In rule 38(1) (applications for bail) for “President” substitute “Senior...
10. Omit rule 44 (constitution of the Tribunal).
11. In rule 45(6) (directions) for “President” substitute “Tribunal”.
12. In rule 60 (correction of orders and determinations)—
13. Omit Part 6 (revocation and transitional provisions).
14. Asylum and Immigration Tribunal (Procedure) (Fast-track) Rules 2005
15. For rule 3(2) (scope of these Rules) substitute—
16. In rule 4(2) (application of the Principal Rules) omit “,...
17. In rule 6 (application of Part 2 of the Principal...
18. For Part 3 (reconsideration of appeals etc.) substitute— PART 3...

19. In rule 29A (correction of administrative errors) for “President, Deputy...
20. Omit Part 6 (revocation and transitional provisions).
21. Immigration (European Economic Area) Regulations 2006
22. In regulation 25(1) (interpretation of Part 6) omit the definition...
23. In regulation 26(6) and (7) (appeal rights) for “Asylum and...
24. In regulation 28(6) (appeals to the Commission) for “Asylum and...
25. In regulation 29(1) and the heading (effect of appeals to...
26. In Schedule 1 (appeals to the Asylum and Immigration Tribunal)—...
27. In paragraph 4(3) of Schedule 2 (appeals under the 2002...
28. Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007
29. Contracting Out (Administrative Work of Tribunals) Order 2009

#### SCHEDULE 3 — Repeals and revocations

#### SCHEDULE 4 — Transitional and saving provisions

1. Appeals and applications for bail
2. Section 103A applications
3. Where the Asylum and Immigration Tribunal or the appropriate court...
4. Where the reconsideration of an appeal by the Asylum and...
5. An application for review made to the appropriate court under...
6. An order for reconsideration made by the appropriate court on...
7. Section 103C references
8. A case remitted or restored by the appropriate appellate court...
9. Section 103B and 103E applications
10. An application for permission to appeal to the appropriate appellate...
11. An appeal which is proceeding before the appropriate appellate court...
12. A case remitted by the appropriate appellate court on or...
13. Time limits
14. General
15. Any procedural, ancillary or preliminary matter before the Asylum and...
16. (1) This paragraph applies when— (a) the Asylum and Immigration...
17. In any judicial review proceedings before the High Court, the...
18. Staff appointed to the Asylum and Immigration Tribunal before 15...
19. Saving provisions
20. Section 103D of the 2002 Act and the Community Legal...
21. Interpretation

#### Explanatory Note